

Applicant: Stephen E. Terry
Application No.: 10/632,776

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1-28 are currently pending in this application. Claims 1, 9, 15, 21, and 25 have been canceled without prejudice. Claims 1, 9, 15, 21, and 25 have been amended according to the Examiner's suggestion. Applicant submits that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC §102

Claims 1, 4-9, 12-15 and 18-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Naito (U.S. Patent No. 6,728,226).

Independent claims 1, 9, 15, 21 and 25, 1, 9, 15, 21, and 25 have all been amended according to the Examiner's suggestion, and all contain the element that when a single receiver of the plurality of receivers requires an increase in the transmission power level to meet that receiver quality requirement, the transmission power level is increased and if all receivers exceed their quality requirement, the transmission power level is decreased. The Examiner has agreed that Naito will only increase the transmission power where all of the mobile stations require a power increase.(See Second Office Action, "Response to Arguments"). The present invention does not address the situation where "all of the

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receivers require a power increase. Therefore, Naito does not anticipate each and every element of claims 1, 9, 15, 21, and 25, and the claims are allowable over the cited prior art.

Claims 4-8, 12-14, 18-20, 22-24, and 26-28 are dependent upon claims 1, 9, 15, 21, and 25 respectively, which the Applicant believes are allowable over the cited prior art of record for the same reasons provided above.

Claim Rejections - 35 USC §103

Claims 2, 3, 10, 11, 16 and 17 stand rejected under §103 as being unpatentable over Naito in view of U.S. Patent Application No. 2002/0157953, to Das et al. (Hereinafter, "Das").

Das relates to a method of transmitting control information in a wireless communication network in which one or more prescribed fields in an existing control channel structure is modified to enable express signaling directly between a base station and at least one Mobile station. Das does not teach a power control scheme of PtM transmissions in which when a single receiver out of the plurality of receivers requires an increase in the transmission power level to meet that receiver's reception quality requirement, the transmission power level is increased.

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Claims 2, 3, 10, 11, 16 and 17 are dependent upon claims 1 and 9 which the Applicant believes are allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection of claims 2, 3, 10, 11, 16 and 17, is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1-28, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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